



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

June 17, 2014

Dear Solid Waste Transfer Station Operator:

On February 14, 2014 the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Prevention, promulgated revisions to 310 CMR 19.000, the “Solid Waste Management” regulations. Those revisions included new requirements for transfer station certifications and third party inspections/inspectors. We are writing to remind you that MassDEP is delaying the effective date for implementation of the transfer station (TS) certification and third party inspection (TPI) requirements.

The table below identifies the revised implementation dates for TS certification and TPI requirements.

Item	Original Implementation Date	Revised Implementation Date
Transfer Station (TS) Certifications:		
Transition Certification for Existing TS	June 14, 2014 (See 19.035(2)(f))	February 15, 2015
Certification for Modifying TS	February 14, 2014	February 14, 2014 (No change)
Third Party Inspectors/Inspections	August 13, 2014 (See 19.018(2)(b))	January 1, 2015

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868

MassDEP Website: www.mass.gov/dep

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Transfer Station Certifications

The revisions to 310 CMR 19.000 changed part of the permitting process for a transfer station that is not a construction and demolition (C&D) waste transfer station. The construction of a new or expanded transfer station (see definitions in 19.006) still requires the owner or operator to submit an Authorization to Construct (ATC) permit application (BWPSW05 or 19) to MassDEP for review and written approval prior to construction. As of February 14, 2014, however, Authorizations to Operate (ATO) and all requests to modify a transfer station (except for an expansion) are now handled through the new certification regulatory process as identified at 19.035. Certifications require a submission to MassDEP but MassDEP does not issue a written approval. The certification and corresponding regulatory requirements govern the operation of the transfer station, unless MassDEP indicates in writing otherwise.

Transition Certifications for Existing Transfer Stations (excludes C&D waste transfer stations)

An active and operating TS with a valid permit issued before February 14, 2014 is required to submit a certification for its current operational practices if that facility wants to continue to operate. The submission of that existing facility certification was originally required 120 days after the February 14, 2014 promulgation date of the revised 310 CMR 19.000. However, MassDEP has decided to move the effective date for the certification required at 19.035(2)(f) to February 15, 2015 to coincide with the due date for submitting a TS facility's annual operating report so that a TS facility may submit the annual report and the transition certification to MassDEP simultaneously. Certification forms are expected to be available on MassDEP's website by October 1, 2014. MassDEP will provide notice to the TS facilities when those materials become available.

Transfer Stations Modifications (excludes C&D waste transfer stations)

A transfer station owner or operator that wants to make any type of modification or change to the design, operation or maintenance of a facility (except for an expansion) must use the certification process pursuant to 310 CMR 19.035(2)(c). This form can be found on MassDEP's website at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#2>.

Third Party Inspectors/Inspections

The revised regulations included a number of changes to the requirements for third party inspections of all types of solid waste facilities. These changes standardize the frequency of inspections, establish a performance standard for inspections and require third-party inspectors to register with MassDEP. These requirements were to be effective 180 days after the promulgation date of February 14, 2014. The revised effective date is now January 1, 2015.

Third Party Inspectors

To provide a higher quality inspection and greater accountability, the revised regulations require third-party inspectors to submit their credentials to be qualified as a third-party inspector of solid waste facilities. All qualified third-party inspectors will be listed on MassDEP's website. Only third-party inspectors listed may conduct third party inspections of solid waste facilities. The Department is delaying this requirement to allow interested parties a reasonable amount of time to apply for and be registered as a third party inspector before the new third-party inspection requirement for solid waste facilities takes effect. MassDEP also believes that a large pool of

listed qualified third party inspectors benefits the regulated community and that starting an annual inspection requirement on the first of the year makes planning and tracking inspections easier.

A link to the Third Party Qualifications Statement (BWPSW48) application to register as a third-party inspector is available at:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-sw-48-tpi-qualifications.html>.

You may want to contact your facility's current third-party inspectors to remind them of this new requirement. The first list of qualified third party inspectors will be published in July 2014. The Department is planning to update that list on a monthly basis.

Third Party Inspections

Please review 19.018 regarding the frequency and performance standards of third-party inspections for your facility. Of note is the requirement for third-party inspection reports to be certified by the third-party inspector and for the owner to certify the report before submitting it to MassDEP and the local board of health.

Third Party Inspection Forms

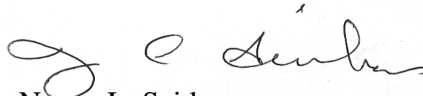
The revised regulations require that all third party inspection reports be submitted on a form provided by MassDEP. MassDEP is developing those forms and expects to have them available by October 1, 2014. MassDEP will provide notice to transfer station facilities when those materials become available.

Waste Ban Plan Revisions

MassDEP wants to remind solid waste facilities of the requirement for submitting a revised waste ban plan by July 1, 2014. You should have received a separate communication about that requirement on or about May 1, 2014.

If you have questions on these issues, please contact the solid waste permit chief in the appropriate MassDEP regional office.

Sincerely,



Nancy L. Seidman,
Assistant Commissioner
Bureau of Waste Prevention